

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 91-20037

CAROLYN MAJSZAK

Defendant.

---

**OPINION AND ORDER DENYING DEFENDANT'S CONSTRUED  
MOTION TO EXPUNGE RECORD**

By a letter dated September 2, 2022, Defendant Carolyn Majszak requests the court to expunge her embezzlement conviction. (ECF No. 40.) The court construes the letter as a motion to expunge. The government has filed a response. (ECF No. 43.)

In her letter, Defendant indicates that because of her "horrible mistake and the crime [she] committed," she and her husband "are still struggling financially," and seeks expungement of her conviction so that she could be qualified to work as an election worker. (ECF No. 40, PageID.26.)

"As courts of limited jurisdiction, federal courts possess only that power authorized by Constitution and statute and may not expand that power by judicial decree." *United States v. Lucido*, 612 F.3d 871, 873 (6th Cir. 2010) (internal quotations omitted). Here, Defendant has identified no constitutional claim or federal statute granting this court jurisdiction to entertain her request for expungement. And the court has no ancillary jurisdiction because Plaintiff's concerns are purely equitable. *United States v. Field*, 756 F.3d 911, 915 (6th Cir. 2014). ("[F]ederal courts lack ancillary

jurisdiction over motions for expungement that are grounded on purely equitable considerations – e.g., motions alleging that the movant has maintained good conduct and that the record of arrest harms the movant’s employment opportunities.”).

Accordingly, IT IS ORDERED that Defendant’s construed motion to expunge record (ECF No. 40) is DENIED for lack of jurisdiction.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 1, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 1, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

S:\Cleland\Cleland\NTH\Criminal\91-20037.MAJSZAK.MotiontoExpunge.NH.docx